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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7278 7590 04/09/2008

DARBY & DARBY P.C.  
P.O. BOX 770  
Church Street Station  
New York, NY 10008-0770

EXAMINER

SHAH, MILAP

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 04/09/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,330

03/15/2004

Kazutaka Shiraishi

09868/0200587-US0

1947

TITLE OF INVENTION: GAME MACHINE WITH SELECTIVELY CONTROLLABLE MECHANICAL COVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	07/09/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7278 7590 04/09/2008

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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,330	03/15/2004	Kazutaka Shiraishi	09868/0200587-US0	1947

TITLE OF INVENTION: GAME MACHINE WITH SELECTIVELY CONTROLLABLE MECHANICAL COVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	07/09/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHAH, MILAP	3714	463-021000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date \_\_\_\_\_

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

SHAH, MILAP

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 04/09/2008

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 749 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 749 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/801,330	SHIRAIISHI, KAZUTAKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Milap Shah	3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 3/19/08.
2. ☒ The allowed claim(s) is/are 1,7,8,10,17,19-21 and 25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

**DETAILED ACTION*****EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eli Weiss on April 1, 2008.

The Application is amended as follows:

**In the SPECIFICATION**

**TITLE of the Invention:** change the title to "GAME MACHINE WITH SELECTIVELY CONTROLLABLE MECHANICAL COVER".

**In the CLAIMS**

- cancel claims 5, 6, 14, 15, 16, 18, 22-24, 26, & 27. [claims 2-4, 9, & 11-13 previously canceled]
- replace claims 1, 7, 8, 10, 17, 19-21, & 25 with the claims presented below.

**Claim 1:** A gaming machine comprising:

at least one input device that receives input from a player for play of a game;

a bet input device that receives a bet for play of the game;

a display device; and

a processor configured to operate with the at least one input device, the bet input device, and the display device to:

a) display a plurality of columns where each column has multiple types of symbols which are displayed through a window in a changing manner of a fixed direction in the column, wherein at least one symbol is displayed on each column of symbols in the window to provide at least one row of symbols to display a normal state of the game;

b) evaluate whether at least one row of symbols in the normal state of the game does not result in a winning combination of symbols, wherein if it is determined that no winning combination is achieved, determining if a quantity of symbols displayed through the window needs to be changed based on an optional additional bet input operation by the player to provide a special state of the game;

c) if the additional bet input operation is received from the player, allowing the player to select at least one of the columns to be expanded in which an area of the at least one column will be increased to show additional symbols above and below the column;

d) activate a mechanical cover having an upper cover portion and a lower cover portion to facilitate the expanding of the area of the at least one column by simultaneously opening both the upper and lower portions of the cover to show the additional symbols above and below the column, wherein expanding the one or more columns occurs in the special state of the game, and wherein the multiple types of symbols displayed in the normal state of the game remain in their original positions within each column throughout the special state of the game;

e) evaluate the symbols in the special state of the game including evaluating a combination of symbols displayed in the normal state of the game with additional symbols displayed in the special state of the game to determine if a winning combination has been achieved; and

f) award the player a payout based on any winning combinations achieved in the special state of the game.

**Claim 7:** A gaming machine according to claim 1, wherein during said special state of the game said mechanical cover opens to increase the window size to increase the number of symbols displayed on all columns simultaneously through said window.

**Claim 8:** A gaming machine according to claim 7, wherein said special state of the game is free by waiving the optional additional bet, such that the special game is activated without a player having to provide the optional additional bet input.

**Claim 10:** A gaming method comprising the steps of:

a) receiving a betting operation for play of a game at a gaming machine having at least one input device, a bet input device, a display device and a processor;

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b) displaying a plurality of columns where each column has multiple types of symbols which are displayed through a window in a changing manner of a fixed direction in the column, wherein at least one symbol is displayed on each column of symbols in the window to provide at least one row of symbols to display a normal state of the game;

c) evaluating whether at least one row of symbols in the normal state of the game does not result in a winning combination of symbols, wherein if it is determined that no winning combination is achieved, determining if a quantity of symbols displayed through the window needs to be changed based on an optional additional bet input operation by the player to provide a special state of the game;

d) if the additional bet input operation is received from the player, allowing the player to select at least one of the columns to be expanded in which an area of the at least one column will be increased to show additional symbols above and below the column;

e) activating a mechanical cover having an upper cover portion and a lower cover portion to facilitate the expanding of the area of the at least one column by simultaneously opening both the upper and lower portions of the cover to show the additional symbols above and below the column, wherein expanding the one or more columns occurs in the special state of the game, and wherein the multiple types of symbols displayed in the normal state of the game remain in their original positions within each column throughout the special state of the game;

f) evaluating the symbols in the special state of the game including evaluating a combination of symbols displayed in the normal state of the game with additional symbols displayed in the special state of the game to determine if a winning combination has been achieved; and

g) awarding the player a payout based on any winning combinations achieved in the special state of the game.

**Claim 17:** A gaming method according to claim 10, wherein during said special state of the game said mechanical cover opens to increase the window size to increase the number of symbols displayed on all columns simultaneously through said window.

**Claim 19:** A gaming method according to claim 10, wherein the bet is a MAXBET play.

**Claim 20:** A gaming method according to claim 10, wherein the betting operation is a MAX line play.

**Claim 21:** A gaming method according to claim 10, wherein the payout is an additional bet play.

**Claim 25:** A gaming method according to claim 10, wherein the cover is adapted to uncover less than a full symbol on each column.

### ***REASONS FOR ALLOWANCE***

Claims 1, 7, 8, 10, 17, 19, 20, 21, & 25 are allowed.

The following is an Examiner's statement of reasons for allowance: A thorough search of the prior art fails to disclose any reference or references, which, taken alone or in combination teach or suggest an invention in which a mechanical cover having an upper portion and a lower portion is activated to increase or decrease the area of the window (i.e. the area in which a player can see symbol on the gaming machine) by selectively opening and closing, further, in combination maintaining the position of all symbols displayed before the mechanical covers are actuated to display additional symbols, further, in combination with allowing the player interaction such that the player is able to select at least one of the columns to be expanded, and lastly, further in combination with evaluating symbols that appear after the expanding of the mechanical covers to determine if a combination of symbols originally displayed and those that were displayed in the special state of the game provide any winning combinations.

The closest prior art, a newly found reference not relied upon in prior prosecution, is Watts (UK Patent Application No. GB 2,106,292). Watts generally teaches a similar to the claimed invention in which simulated slot reels are shown, where upon an "adjustment feature" such as a nudge feature, the "windows" of the slot reels may enlarge to show more symbols above and below the originally displayed symbols. While this is similar, there are many patentably distinct differences between the claimed invention and the teachings of Watts. First, the slot reels in Watts are considered simulated, thus the covering mechanism is merely a graphical depiction, whereas the claimed invention specifically requires a



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mechanical cover having an upper portion and a lower portion (i.e. specific structure). Next, the claimed invention will only initiate the secondary or special state of the game in which the mechanical covers are activated based upon the outcome of the primary or normal state of the game resulting specifically in a non-winning combination. The special state of the game in the claimed invention requires an additional bet to be activated. The claimed invention also requires specific player interaction where the player is able to select at least one column to be expanded. Further, without moving (i.e. the nudging within the Watts reference) the positions of the originally displayed symbols in the normal state of the game, the claimed inventions evaluates combinations of symbols from the normal state of the game with additional symbols displayed in the special state of the game to determine if any awards are to be paid out. Lastly, the entire process is carried out by a processor that is specifically configured to perform the process as recited in claim 1, where Watts does not expressly conduct the same process. The method of claim 10 corresponds directly to the processor steps of claim 1.

Thus, for at least the reasons provided, the Examiner submits that there is no motivation to modify the Watts reference to include the multiple additional patentably distinct features not found within Watts without using hindsight. Watts simply provides no apparent basis or motivational language to incorporate the missing features, further, to do so would be to piecemeal the various features from a vast number of different sources to result in the claimed invention. Therefore, the claims are considered to be in condition for allowance.

As an additional note: The Examiner is citing additional relevant references with this action, however, the claimed invention appears to overcome this additional prior art as well. There are some cited references that have filing or publication dates beyond the filing date of the instant application but disclose similar inventions and are provided merely for informing the Applicant of these similar inventions.

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### ***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571)272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

/MBS/